



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,047	08/29/2003	Jong-Seong Kim	04010-P0003A	9810
24126	7590	12/13/2005	EXAMINER	
ST. ONGE STEWARD JOHNSTON & REENS, LLC			GRAYSAY, TAMARA L	
986 BEDFORD STREET			ART UNIT	
STAMFORD, CT 06905-5619			PAPER NUMBER	
			3623	

DATE MAILED: 12/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/652,047	Applicant(s) KIM, JONG-SEONG	
	Examiner Tamara L. Graysay	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-13 is/are allowed.
- 6) ☒ Claim(s) 14-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Preliminary Matter

1. The rejection under 35 U.S.C. 112, second paragraph, presented in the Office action mailed 24 June 2005 has been obviated by the response filed 28 September 2005. However, the amendment has necessitated a new rejection under 35 U.S.C. 112, which is presented below.

Priority

2. Acknowledgement is made of the copendency certification at page 12 of the response filed 28 September 2005.

3. In response to applicant's argument that a certified copy of each priority document is not required, the examiner directs applicant to MPEP § 1895.01, subheading: PRIORITY CLAIMS UNDER 35 U.S.C. 119(a)-(d), which reads in part:

A certified copy of any foreign priority document must be provided by the applicant unless the parent international application has entered the national stage under 35 U.S.C. 371 and the national stage application contains a photocopy of the priority document from the International Bureau. See MPEP § 1893.03(c). In such case, the applicant, in the continuing application, may state that the priority document is contained in the national stage application.

The present application does not include either (1) a certified copy of the foreign priority document(s), or (2) state that the priority document(s) is contained in the national stage application. Applicant cannot comply with (2) because the parent application is not an international application that entered the national stage under 35 U.S.C. 371. Thus, in order to obtain benefit of the filing date of the prior filed foreign application, applicant must comply with (1), i.e., provide a certified copy of any foreign priority document.

Specification

4. The amendment filed 28 September 2005 is objected to under 35 U.S.C. 132(a) because it introduces new matter into the disclosure. 35 U.S.C. 132(a) states that no amendment shall introduce new matter into the disclosure of the invention. The added material which is not supported by the original disclosure is as follows:

The original disclosure of the present application (including the original specification, drawings, claims, and abstract) provides support for only one of the three alternative embodiments recited in the claim.

- The original disclosure supports the step of obtaining minimum sale approval prices is performed by the seller utilizing the products satisfaction indexes (see Figure 11A, selling price, and sales approvable price according to products satisfaction index, input in table 1; Figure 11B; and, equations 5 and 6).
- The original disclosure does not support an embodiment wherein the minimum sale approval price is obtained utilizing *only* the purchase satisfaction price. Looking at Figure 8, the minimum sales approval price is *not* obtained utilizing the purchase satisfaction price because the step S520's YES response only compares the purchase satisfaction price and the sales approval price, it does not obtain the minimum sales approval price utilizing the purchase satisfaction price.
- The original disclosure does not support an embodiment wherein the minimum sale approval price is obtained utilizing *both* the product satisfaction indexes and the purchase satisfaction prices. Looking again at Figure 8, the step S520 is a comparison, not a step of obtaining minimum sales price.

Therefore, the alternative recitation "at least one of" is not supported by the original disclosure.

Applicant is required to cancel the new matter in the reply to this Office Action.

Claim Rejections - 35 USC § 112, first paragraph

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claim 16 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Applicant has made only a general statement as to the support for claim 16 and that no new matter has been introduced. In support of this rejection, the examiner notes the following:

The original disclosure of the present application (including the original specification, drawings, claims, and abstract) provides support for only one of the three alternative embodiments recited in the claim.

- The original disclosure supports the step of obtaining minimum sale approval prices is performed by the seller utilizing the products satisfaction indexes (see Figure 11A, selling price, and sales approvable price according to products satisfaction index, input in table 1; Figure 11B; and, equations 5 and 6).
- The original disclosure does not support an embodiment wherein the minimum sale approval price is obtained utilizing *only* the purchase satisfaction price. Looking at Figure 8, the minimum sales approval price is *not* obtained utilizing the purchase satisfaction price because the step S520's YES response only compares the purchase

Art Unit: 3623

satisfaction price and the sales approval price, it does not obtain the minimum sales approval price utilizing the purchase satisfaction price.

- The original disclosure does not support an embodiment wherein the minimum sale approval price is obtained utilizing *both* the product satisfaction indexes and the purchase satisfaction prices. Looking again at Figure 8, the step S520 is a comparison, not a step of obtaining minimum sales price.

Therefore, the alternative recitation “at least one of” is not supported by the original disclosure.

Claim Rejections - 35 USC § 112, second paragraph

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 14-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 14 and 15, line 3 of each claim, the recitation “said comparing” is indefinite because there are two comparing steps recited in antecedent in claim 13. Clarification is required, whereby the “said comparing” step in claim 14 is related to or distinguished from the two previously recited comparing steps; and, “said comparing” step in claim 15 is related to or distinguished from the two previously recited comparing steps.

Claim 16, the sale price is used to determine the purchase satisfaction price, so the claim is unclear as to how the sale price is obtained utilizing the purchase satisfaction price alone or utilizing the product satisfaction index alone. See equations 5 and 6,

Allowable Subject Matter

6. Claims 1-13 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

The combination of steps recited in claim 1, and including the steps of:

- retrieving products from the thirdly retrieved products depending on a priority of the purchasing conditions determined by the purchaser and in order to approve the purchase,
- comparing the computed purchase satisfaction prices of the finally retrieved products with the minimum sale approval of the seller,

is not taught or suggested by the prior art of record.

The combination of elements recited in claim 11, and including

- a products satisfaction index computing module for (a) comparing (i) the products information stored in the products information database with (ii) the purchasing conditions inputted by the purchaser clients and (b) to compute a products satisfaction index for each product for purchasing;
- a purchasing satisfaction price computing module for (a) computing a purchasing satisfaction price (b) utilizing the computed products satisfaction index;
- a retrieve module (a) for first retrieving target products corresponding to at least one information (from the group consisting of product name and a price condition) provided from a purchaser client, (b) for secondly retrieving target products corresponding to a plurality of purchasing conditions provided by the purchaser client, (c) for thirdly retrieving target products corresponding to the products satisfaction index, and (d) for finally retrieving target products corresponding to a priority of the purchasing conditions,

is not taught or shown by the prior art.

Art Unit: 3623

The combination of steps recited in claim 13, and including the steps of:

- computing products satisfaction indexes and purchase satisfaction prices corresponding to the products satisfaction indexes of the products;
- comparing the purchase satisfaction prices with the minimum sale approval prices of the seller;

is not taught or shown by the prior art.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Ulwick (US-6115691) teaches a process for evaluating desired outcomes that are determined by market analysis and constant across a particular market. Ulwick includes

Art Unit: 3623


qualitative analysis as it relates to a user's desired outcome for a particular mission in a particular market segment (9:55-10:5), i.e., what a given market segment values. Ulwick is not directed to products, product information, retrieving product information from a database dependent upon constraints, or used in the product sales industry for qualitative analysis of products with respect to a purchaser's purchasing conditions.


- Kolawa (US-6370513) teaches recommendation of an item based on user preferences, including comparing the preferences to various attributes of the item, comparing a selected item to other available items, and modifying preferences based on item selections; however, there is no multiple retrieval aspect or suggestion to use such a method or system in the area of product sales such that the price of the user is approved based on a minimum sale price set by a seller.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara L. Graysay whose telephone number is (571) 272-6728. The examiner can normally be reached on Mon - Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz, can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 12/10/05
20051203


TARIQ R. HAFIZ
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600